

Summary
Water Pollution Control Board
Indiana Government Center South
Conference Center Room 32
Indianapolis, Indiana
Wednesday, May 14, 2008

1. CALL TO ORDER

Chairman Gary Powdrill called the meeting to order at 1:30 p.m. A quorum was present.

Members present: Gary Powdrill (Chairman); Robert Warnock; Jim Flannery; Mark Legan; Ken Hedge; Dave Wagner; Lee Botts; Jim Ray (proxy for Robert E. Carter, IDNR) Brandon Seitz (proxy for Becky Skillman, Lt. Governor); Howard Cundiff (proxy for Dr. Judith A. Monroe, IDOH); and Pam Fisher (proxy for Nathan J. Feltman, Sec. of IEDC).

Present for IDEM: Bruno Pigott, Assistant Commissioner, Office of Water Quality (OWQ); Kyle Endris, Branch Chief, Office of Enforcement (OE), and Nancy King, Attorney, Office of Legal Counsel (OLC).

2. INTRODUCTION OF BOARD MEMBERS

Chairman Powdrill asked the board members to introduce themselves and their affiliations.

3. APPROVAL OF SUMMARY

Chairman Powdrill called for the approval of the March 12, 2008, board summary. A motion was made and seconded to approve the March 12, 2008, board summary. The WPCB voted unanimously to approve the summary without change from draft.

4. REPORTS

Mr. Bruno Pigott reported on the following:

- Progress on establishing a Wastewater Operator Certification Apprentice program is underway. The apprentice program is the biggest addition to the amended rule and is intended to try to attract more individuals into the Certified Operator's career.
- *E.coli* (Compliance with the Single Sample Maximum limitation) final rule became effective on April 17, 2008. IDEM is preparing to send the rule to EPA for approval.
- Sulfate Criterion's promulgation packet went to the Attorney General on April 21, 2008, and it's on course to reach the Governor's office in June.
- Arsenic rulemaking - Martha Clark Mettler is working on the Arsenic NPD draft and would like it to come before the water board in July.
- Antidegradation – IDEM met with stakeholders on April 29, 2008. Next steps will be review of the meeting notes and development of changes to the draft rule based upon the meeting's discussion. The tentative date for the next meeting is June 4, 2008. Mr. Pigott also thanked Larry Wu and Bill Beranak for doing a fine job on the meeting summary.
- A board discussion about how IDEM might proceed with antidegradation began:
 - Ms. Lee Botts encouraged IDEM to develop flowcharts that would explain the antidegradation process to the public. Mr. Wagner, however, thought a flowchart should be prepared after rule language is developed. Chairman Powdrill suggested merging the previous flowcharts into one flowchart.
 - Mr. Pigott reported that there was a suggestion among some stakeholder to have small break out discussion groups at the next stakeholders meeting. Mr.

Wagner commented that if there are small groups, a skilled group facilitator would be needed to coordinate the small groups' inputs into a comprehensive report.

- Mr. Pigott wanted to ensure that board members and stakeholders receive necessary materials and are prepared in advance of the June 4th meeting. Ms. Botts recommended IDEM focus on specific issues and highlight those issues that were contentious. Mr. Wagner reminded IDEM to touch base with the 5 points identified in the Barnes Report.
- Chairman Powdrill reminded the water board that the Commissioner had assigned a very aggressive timeline for the rulemaking.
- Pretreatment Streamlining rulemaking is on track to come before the water board for preliminary adoption on July 9, 2008.
- Environmental Impact Statements (IEPA) rulemaking's First Notice ended on May 2, 2008. Ms. Nancy King is working on the rulemaking and has scheduled a workgroup meeting for May 22, 2008, at 1:30p.m., IGCN, conference room 1319.
- 303(d) List Draft list went to EPA on April 1, 2008, and IDEM hasn't heard from EPA yet. After EPA's review and approval, IDEM will hold a public hearing on the final 303(d) list.
- Mr. Robert Thompson, Hamilton County, wrote an open letter to the WPCB stating the volume of stormwater bypass increase in Noblesville since 2005.
 - Chairman Powdrill asked IDEM to verify Mr. Thompson's statements about the rate of increase.
 - Mr. Wagner asked Mr. Pigott to distinguish between a sanitary sewer overflow (SSO) bypass and combined sewer overflows (CSO). Mr. Pigott clarified the differences.
 - Chairman Powdrill said that Mr. Jim Ray had responded to Mr. Thompson's letter.

5. PRESENTATIONS

Ms. Nancy King spoke on the rulemaking process under IC 13-14-9-14 regarding LSA Doc. #08-324 Indianapolis CSO Wet Weather Limited Use Subcategory. She indicated that, though the WPCB will be asked to adopt this rule, it will not become effective until Indianapolis completes implementation of its LTCP.

Mr. Wagner asked why CSO communities are required to do UAAs now if they are predictive of water quality as far into the future as 20 years from now.

Ms. King clarified that communities are required to continue to monitor their LTCP after it is approved. She implied that according to IC 13-18-3-2.4, communities would provide IDEM updates in reduction of CSOs when their LTCPs are implemented.

There were two commenters:

1. Mr. Bowden Quinn, Hoosier Chapter of the Sierra Club, indicated concerns about the process of accepting a rule to establish a water quality use before the implementation of a LTCP is complete. He suggested the water board not adopt the rule but reconsider it at a later date.
2. Mr. Richard M. VanFrank, Improving Kids' Environment, agreed with Mr. Quinn's concern. He felt this was not the place for an expedited rulemaking.

Mr. Pigott commented that the UAA guidance which has been modified through the workgroup process of 2006-2007 be made available in the near future.

Mr. Timothy Method, City of Indianapolis, informed the water board that Indianapolis's date for completion of its LTCP is 2025. He said that rulemaking is needed now so the city can be sure that everyone agrees on the criteria when the LTCP is completed in 2025.

Next, Chairman Powdrill called on Ms. Kyle Endris, OE, to present Water-NPD-019. Ms. Endris explained what NPD Supplemental Environmental Project Policy (SEPP) entails. She stated that tools to help respondents who don't know what to do regarding SEPPs would go on IDEM's Web site once the NPD becomes effective 30 days after last board presentation.

Immediately following Ms. Endris's presentation, board members asked questions about the NPD SEPP.

In addition, there were two public commenters:

1. Mr. Richard M. VanFrank, Improving Kids' Environment, discussed concerns about the SEPP's proposals providing an offset ratio of 1:1. He also recommended a definition be included in the policy to help identify which 501(c)(3) environmental or natural resource not-for-profit organizations would be eligible to receive donated funds under section 6.3.2.
2. Mr. Bowden Quinn, Hoosier Chapter of the Sierra Club, questioned why the SEPP's proposals had an offset ratio of 1:1 instead of an offset ratio of 2:1. Mr. Quinn expressed concerns about the public community and environmental organizations not being involved in the development of the new policy. He suggested that in the future IDEM develop SEPPs that would allow for public involvement.

6. ADJOURNMENT

Thereafter, Chairperson Powdrill adjourned the WPCB meeting at 3:15 p.m.

The next WPCB meeting is scheduled for Wednesday, July 9, 2008, Indiana Government Center South, Conference Room 32 at 1:30 p.m. E.D.T.

CHAIRPERSON

The summary is derived from Office of Water Quality Rules Section staff notes; however, a court reporter recorded this meeting. A typewritten transcript of the entire meeting is on file in the Office of Water Quality, Indiana Department of Environmental Management. To view approved summaries or minutes, you may go online to <http://www.in.gov/idem/4707.htm>